

Rule 1. Organization of Board

(a) Appointment of Members. The Board on Judicial Standards shall consist of one judge of the Court of Appeals, three judges of district court, two lawyers who have practiced law in the state for at least ten years and four resident citizens of Minnesota who are not judges, retired judges or lawyers. All members shall be appointed by the governor with the advice and consent of the senate except that senate confirmation shall not be required for judicial members.

(b) Term of Office.

(1) The term of each member shall be four years with the term ending on the first Monday in January except as provided in Rule 1(b)(2)(i).

(2) No member shall serve more than two full four-year terms not to exceed eight years except as follows:

(i) members may continue to serve until their successors are appointed and qualified but in no case later than July 1 in a year in which a term expires unless reappointed;

(ii) if a member is appointed to fill an unexpired term that does not exceed two years, the member is eligible for appointment to two additional four-year terms.

(c) Vacancy.

(1) A vacancy on the board shall be deemed to occur:

(i) When a member retires from the board; or

(ii) When a judge who is a member of the board ceases to hold the judicial office held at the time of selection; or

(iii) When a lawyer who is a member of the board ceases to be in good standing to practice law in the courts of this state or is appointed or elected to a judicial office; or

(iv) When a public member becomes a lawyer; or

(v) When a member is no longer a resident citizen of Minnesota.

(2) Vacancies shall be filled by selection of a successor in the same manner as required for the selection of the predecessor in office. A member selected to fill a vacancy shall hold office for the unexpired term of the predecessor. All vacancies on the board shall be filled within 90 days after the vacancy occurs.

(3) Members of the board may retire therefrom by submitting their resignation to the board, which shall certify the vacancy to the governor.

(d) Appointment and Performance Review of Executive Secretary. The executive secretary, who shall be an attorney licensed to practice law in Minnesota, with a minimum of fifteen years' experience in the practice of law, including any service as a judge, shall be appointed by and serve at the pleasure of the board. The board shall annually conduct a performance review of the executive secretary.

(e) Duties and Responsibilities of Executive Secretary. The executive secretary shall have duties and responsibilities prescribed by the board, including the authority to:

(1) Receive complaints and allegations as to misconduct or disability;

(2) Make preliminary evaluations;

- (3) Conduct investigations of complaints as directed by the board;
- (4) Recommend dispositions;
- (5) Maintain the board's records;
- (6) Maintain statistics concerning the operation of the board and make them available to the board and to the Supreme Court;
- (7) Prepare the board's budget for approval by the board and administer its funds;
- (8) Employ and supervise other members of the board's staff;
- (9) Prepare an annual report of the board's activities for presentation to the board, to the Supreme Court and to the public;
- (10) Employ, with the approval of the board, special counsel, private investigators or other experts as necessary to investigate and process matters before the board and before the Supreme Court. The use of the attorney general's staff prosecutors or law enforcement officers for this purpose is not allowed. The use of the director and staff of the Office of Lawyers Professional Responsibility for this purpose is allowed if the matter involves conduct of a judge, other than a Supreme Court Justice, that occurred prior to the judge assuming judicial office. Attorneys employed or providing assistance under this section shall be deemed to be counsel to the Board on Judicial Standards for the purposes of these rules; and
- (11) Issue informal advisory opinions to judges as delegated by the board.

(f) Quorum and Chair.

- (1) A quorum for the transaction of business by the board shall be a majority of the members of the board who are not recused.
- (2) The board shall elect from its members a chair and vice-chair, each of whom shall serve a term of two years. The vice-chair shall act as chair in the absence of the chair.

(g) Meetings of the Board. Meetings of the board shall be held at the call of the chair, the vice-chair, the executive secretary, or the written request of three members of the board.

(h) Annual Report. At least once a year the board shall prepare a report summarizing its activities during the preceding year. One copy of this report shall be filed with the Supreme Court.

(i) Expenses of the Board and Staff.

- (1) The expenses of the board shall be paid from appropriations of funds to the Board on Judicial Standards.
- (2) Members of the board shall be compensated for their services as provided by law.
- (3) In addition to the executive secretary, the board may appoint other employees to perform such duties as it shall direct, subject to the availability of funds under its budget.

(j) Board Policies. The board may adopt policies consistent with these Rules governing the conduct of its business and performance of its duties. The board shall maintain a Code of Ethics setting forth the ethical standards expected of board members in the performance of the board's responsibilities.

(k) Executive Committee. The board's executive committee shall consist of the chair, vice-chair, and a third member elected by the board. The executive committee shall include a judge, a

public member, and a lawyer. The executive committee shall act on behalf of the board between meetings within limits prescribed by the board. The executive committee shall not have the authority to determine that there is reasonable cause to believe a judge has committed misconduct.

(Amended effective January 1, 1996; amended effective March 30, 1999; amended effective July 1, 2009; amended effective July 1, 2016.)